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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,117	01/15/2004	DayNa M. Decker	62077-00008	7349

35965 7590 07/13/2007  
DAVID HONG, LAW OFFICE OF DAVID HONG  
P.O. BOX 2111  
SANTA CLARITA, CA 91386

EXAMINER
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PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

88

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/760,117	DECKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CARL D. PRICE	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-84 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/18/05;02/03/05</u>   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### Specification

The disclosure is objected to because of the following informalities: The application cross reference information appearing on page 1 of the specification should be updated.

Appropriate correction is required.

### Claims rejected under 35 U.S.C. 102(b)

Claims 1, 4-6, 9, 13, 30, 24-28, 30-33, 40-45 and 57-60 are rejected under 35 U.S.C. 102(b) as being anticipated by US001190219 (Chadwick) or US002758460 (Ciano).

**US001190219 (Chadwick)** shows and discloses an apparatus including:

- a body defining a chamber (1) for carrying a combustible liquid (i.e.- liquid wax when heated during operation) and having an open upper end (3); and
- a sheet wick (not referenced) having a lower end (at 26) located in the chamber of the body, for contacting the combustible liquid wax, and
- an upper end (adjacent 21) projecting upwardly from the open upper end, wherein the wick is free of material having a high heat conductivity; and
- the container body an outwardly extending ledge about a top perimeter;
- further comprising first (28) and second plates (22) arranged in a spaced, confronting relationship with lower portions located within the chamber of the body and upper portions, wherein the sheet wick is sandwiched between the first and second plates (see figure 2); and
- further comprising a lid (6, 10) configured to sit over the open upper end.

**US002758460 (Ciano)** shows and discloses an apparatus including:

- a container body an outwardly extending ledge about a top perimeter;
- defining a chamber (1) for carrying a combustible liquid (i.e.- liquid wax when heated during operation) and having an open upper end (3); and
- a sheet wick (9) having a lower end (13) located in the chamber of the body, for contacting the combustible liquid wax, and
- an upper end (14, 15) projecting upwardly from the open upper end, wherein the wick is free of material having a high heat conductivity; and
- further comprising a lid (3) configured to sit over the open upper end.

In regard to claim **6**, **US001190219 (Chadwick)** includes further comprising a conductive element (21) having an upper portion extending above and curved over (at 23) the upper portion of the wick and a bottom portion located in the chamber of the body.

In regard to claims **9**, **30** and **31**, the wick of **US002758460 (Ciano)** is configured as a sleeve (see figure 3) around a rigid plate (8; figure 2) to thereby form a wick core stiffing agent, and wherein the wick is a rigid, sheet wick.

In regard to claims **25-28** and **32**, the first and second plates of the **US002758460 (Ciano)** wick are metal, rectangular interlock with clips (14), wherein the plates are joined together along an outer edge of an upright leg of one of the plates.

In regard to claims **57-60** wick holder of **US001190219 (Chadwick)** includes a pair of U-shaped walls (at 26) mounted in spaced confronting relation.

In regard to claims **57-60**, **US002758460 (Ciano)** includes a support structure connected to the container and adapted to hold a sheet wick upright in the container includes a pair of U-shaped walls (at 12, 13) mounted in spaced confronting relation.

**Claims rejected under 35 U.S.C. 102(b)**

Claims **24**, **32**, **33**, **41** and **45** are rejected under 35 U.S.C. 102(b) as being anticipated by **US001050913 (Bradfield)**.

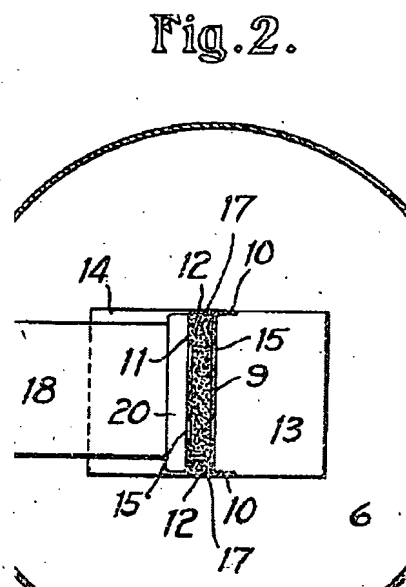
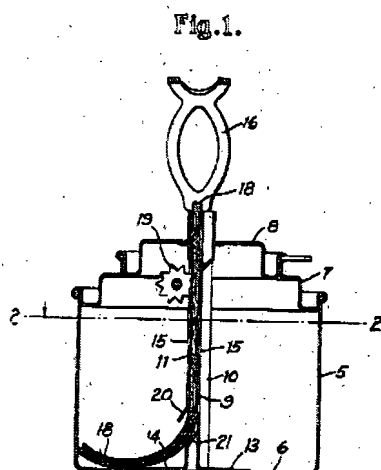
**US001050913 (Bradfield)** shows an apparatus including:

- a body defining a chamber for carrying a combustible liquid and having an open upper end;
- first and second plates (9, 11) arranged in a spaced, confronting relationship with lower portions located within the chamber of the body and upper portions; and
- a sheet wick (18) sandwiched between the first and second plates and having a lower end located in the chamber of the body, for contacting the combustible liquid,, and an upper end projecting upwardly from the upper portions of the first and second plates;
- further comprising a plurality of clips (12) positioned on side edges of the first and second plates to sandwich the sheet wick between the plates;
- wherein at least one of the clips (12) has a top portion (15) extending above and curved over the upper portion of the wick, side flanges (12) configured to hold the first and second plates and the wick together, and a bottom portion positioned in the

chamber of the body.

US001050913 (Bradfield) shows:

G. K. BRADFIELD.  
LAMP.  
APPLICATION FILED APR. 20, 1913.  
1,050,913. Patented Jan. 21, 1913.



**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims rejected under 35 U.S.C. 103(a)**

Claims **2, 3, 7, 8, 10,-12, 14-23, 29, 34-39, 46-56 and 61-84** rejected under 35 U.S.C. 103(a) as being unpatentable over **US001190219 (Chadwick)**, **US002758460 (Ciano)** or **US001050913 (Bradfield)**.

In regard to claims **2, 3, 7, 8, 16, 29, 34-36, 46-48, 56, 62, 65, 66, 68-73 and 84** since the various characteristics of the apparatus, such as, any one dimension of the wick, the shape of the wick, wick color, decorative coatings and designs, etc. would necessarily depend on numerous design concerns such as the type of fuel combusted, the overall size and shape of the container body, the desired rate of burning and fuel consumption, etc., to form, shape and/or dimension the wick in the manner set forth in applicant's claims can be viewed as nothing more than merely a matter of choice in design absent the showing of any new or unexpected results produced therefrom over the prior art of record.

In regard to claims **10-12, 20, 37-39, 49-51, 74 and 83** Official Notice is taken that it is well known to 1) to fuel wick lamps with liquid fuel; to formulate combustible liquid and solid fuels to include fragrances or volatile compounds, so as to form a fragrance releasing apparatus. Therefore in view of that which is well known in the art of combustion devices and for the known purpose, it would have been obvious to a person having ordinary skill in the art to modify the fuel of **US001190219 (Chadwick)**, **US002758460 (Ciano)** or **US001050913 (Bradfield)** to be of the type including fragrances or volatile compounds, and in the form of either a solid (e.g.- meltable wax) or liquid fuel (e.g. – lamp oil, combustible liquid is mineral oil, paraffin oil, aliphatic hydrocarbon oils, naphthenic hydrocarbon oils, kerosene, alcohols, vegetable oils, surfactants, fatty acids, stearic acids, triglycerides or ethers which are all well known fuel constituents).

In regard to claims **21 and 64**, Official Notice is taken that it is well known to place and/or adapt a snuffer lid to fit on a combustor or lamp body to extinguish wicks when burning. Therefore, in view of that which is well known in the art of combustors, it would have been obvious to a person having ordinary skill in the art to modify **US001190219 (Chadwick)**,

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**US002758460 (Ciano)** or **US001050913 (Bradfield)** to include a snuffer, to extinguish wicks when burning.

In regard to claims **14, 15, 17, 18, 19, 22, 23, 52** and **67**, Official Notice is taken that it is well known to form wicks from a wide variety of materials according to their known properties (e.g. – wicking ability, heat resistance, durability, etc.), such as solid mineral (e.g. – asbestos), stone, permeable, inorganic, organic wick, woven, fibrous, fiberglass, graphite, polyamide, or polyethylene, etc. Therefore, in view of that which is well known in the art of combustors, it would have been obvious to a person having ordinary skill in the art to **US001190219 (Chadwick)**, **US002758460 (Ciano)** or **US001050913 (Bradfield)** wick materials of the type recited in applicant's claims.

In regard to claim **61**, Official Notice is taken that it is well known to provide combustion wick type containers with legs to provide a cooling air flow to a low surface of the container. Therefore, in view of that which is well known in the art of combustors, it would have been obvious to a person having ordinary skill in the art to modify **US001190219 (Chadwick)**, **US002758460 (Ciano)** or **US001050913 (Bradfield)** to include such a cooling leg arrangement.

In regard to claim **63**, Official Notice is taken that it is well known to provide wick supporting containers with a cover with a ledge that includes heat and fragrance releasing holes (see for example holes 21 of US002775006). Therefore, in view of that which is well known in the art of combustors, it would have been obvious to a person having ordinary skill in the art to modify **US001190219 (Chadwick)**, **US002758460 (Ciano)** or **US001050913 (Bradfield)** to include openings of the type set forth in applicant's claims.

### **Conclusion**

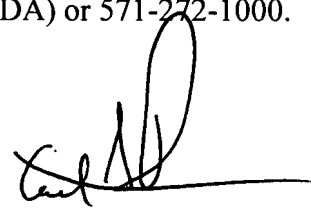
See the attached USPTO for, 892 for prior art made of record and not relied upon which is considered pertinent to applicant's disclosure.

### **USPTO CUSTOMER CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is (571) 272-4880. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Carl D. Price', with a long horizontal line extending to the right.

CARL D. PRICE

Primary Examiner

Art Unit 3749

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S/N 10760,117 Replacement Drawing Sheet - 22 Oct 2004

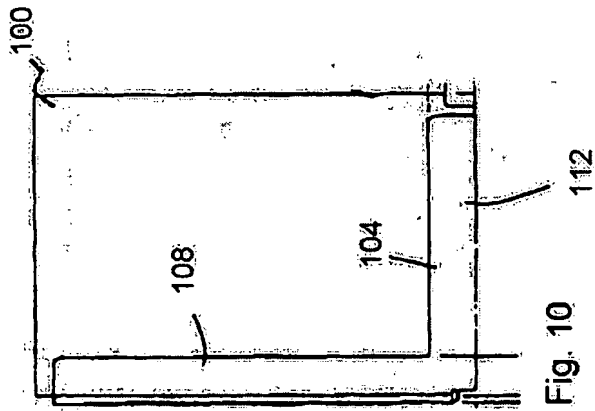


Fig. 10

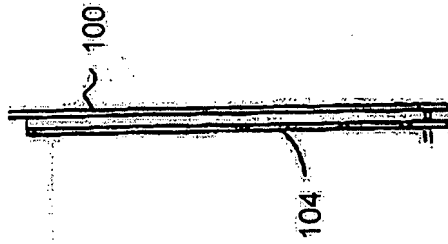


Fig. 11

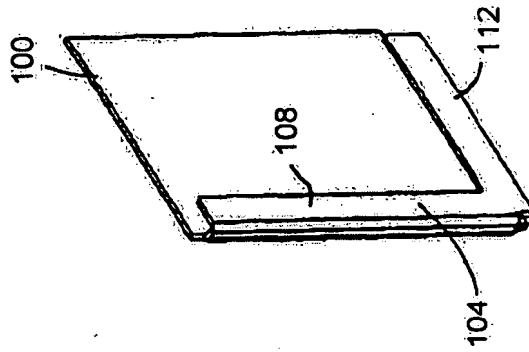


Fig. 9

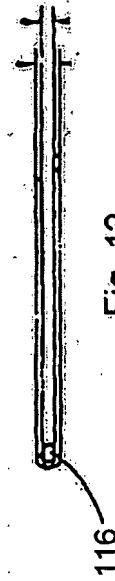
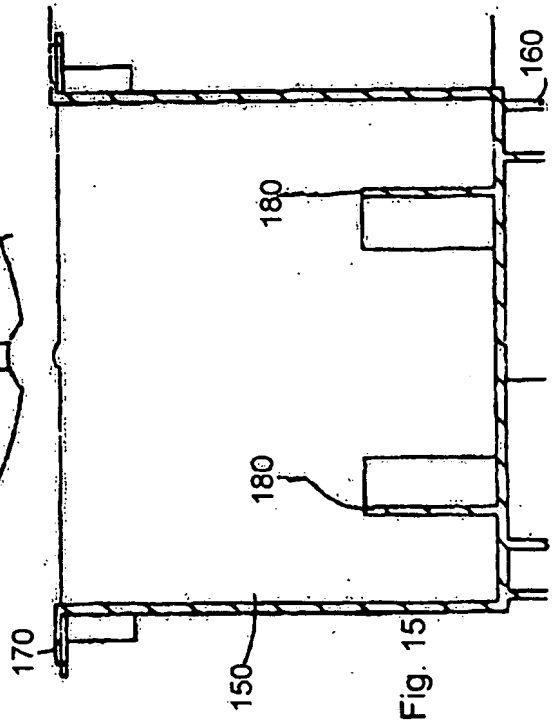
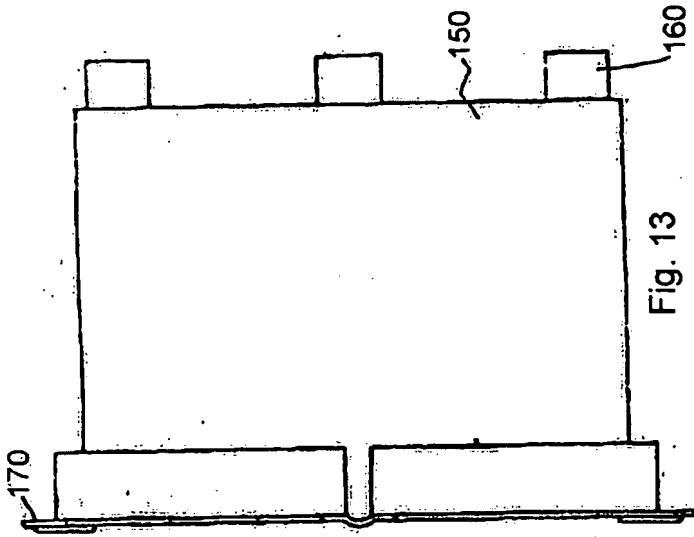
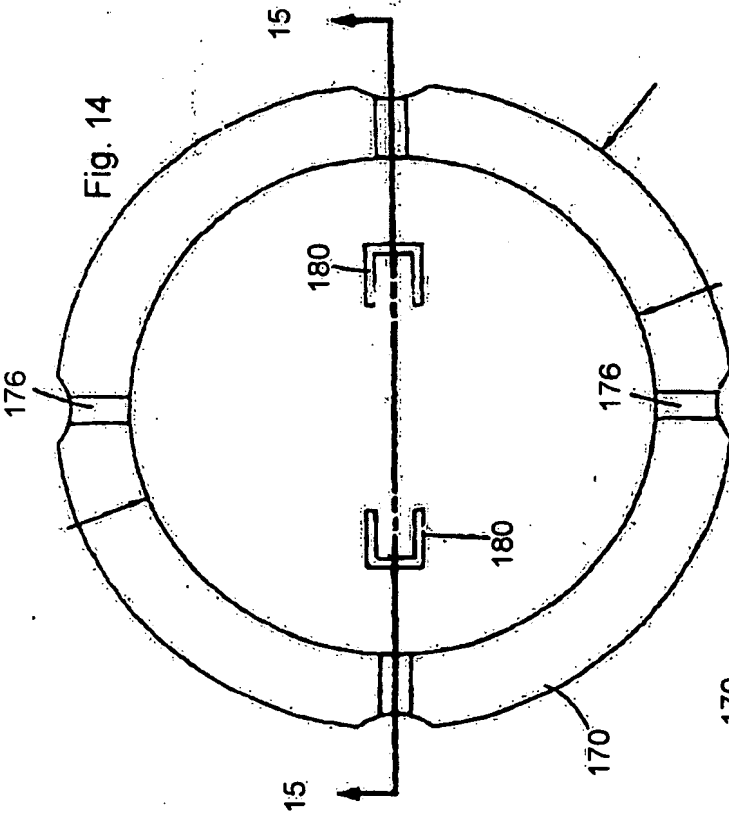


Fig. 12

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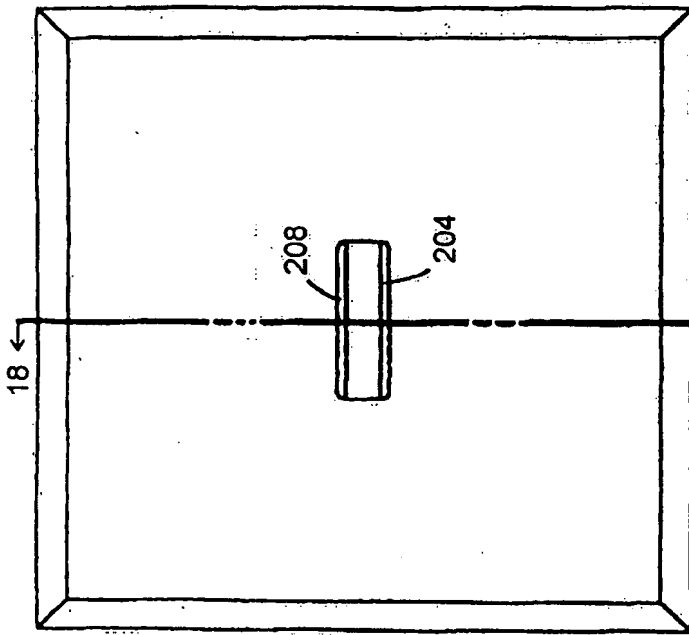


Fig. 17

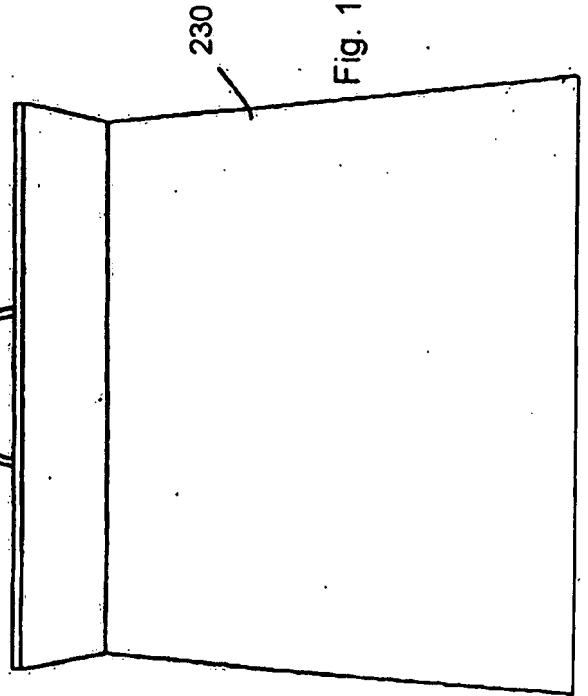


Fig. 16

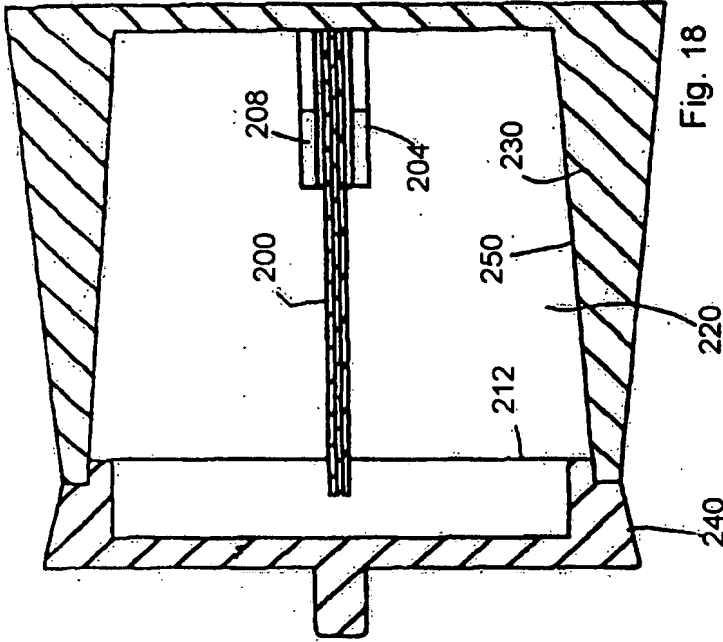


Fig. 18

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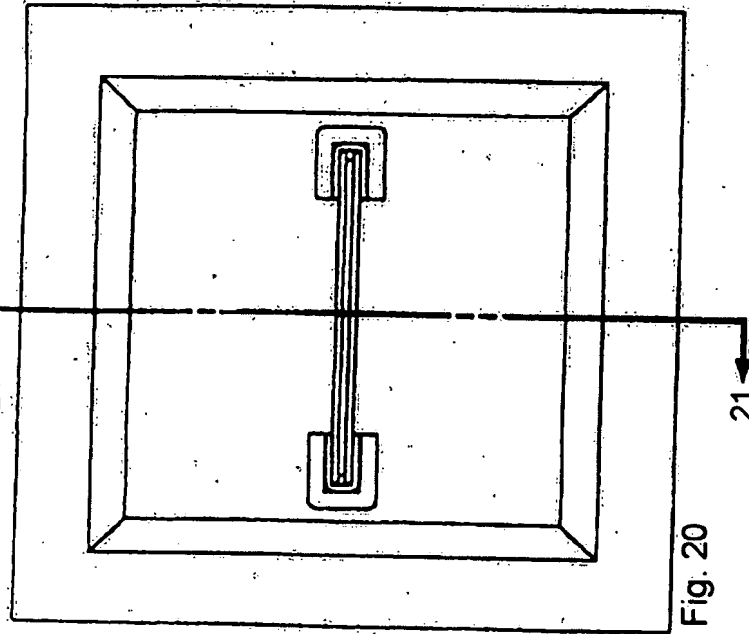


Fig. 20

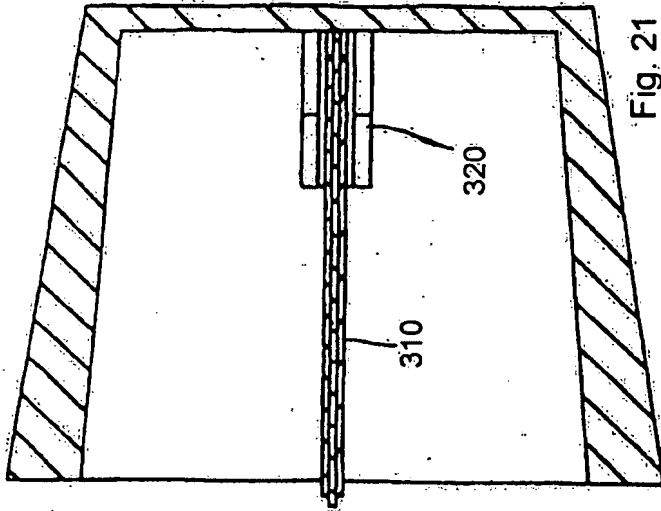


Fig. 21

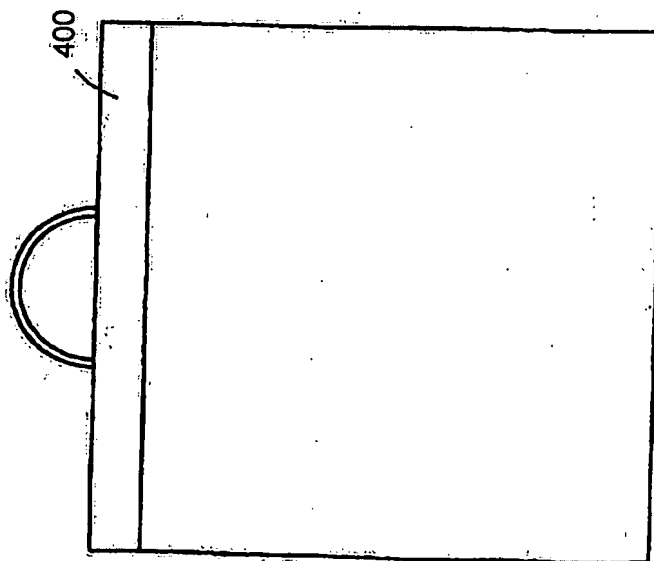
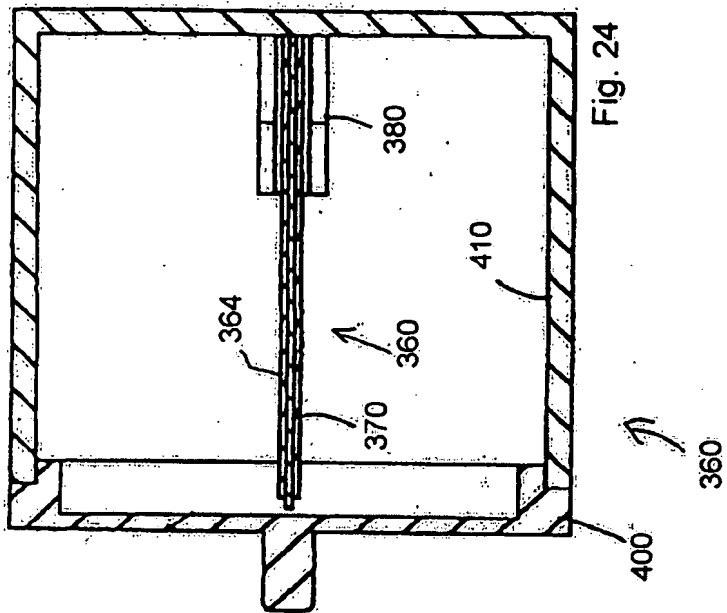
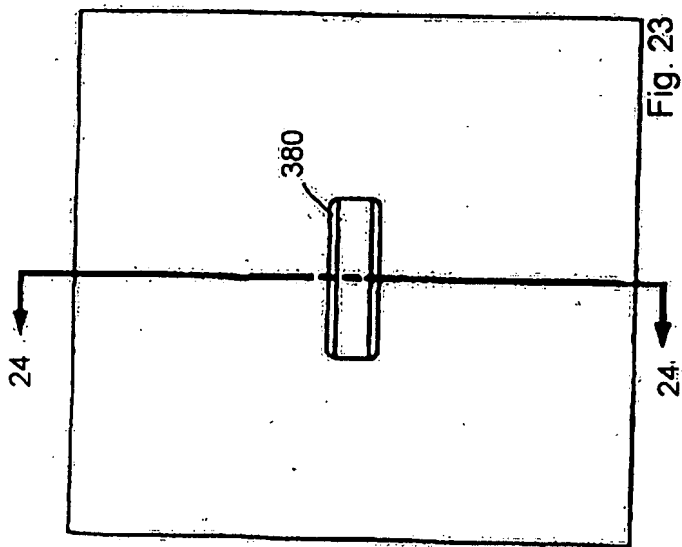
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Fig. 19

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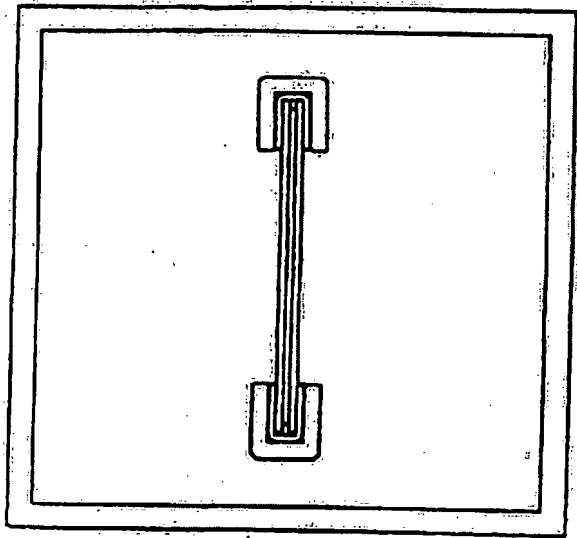
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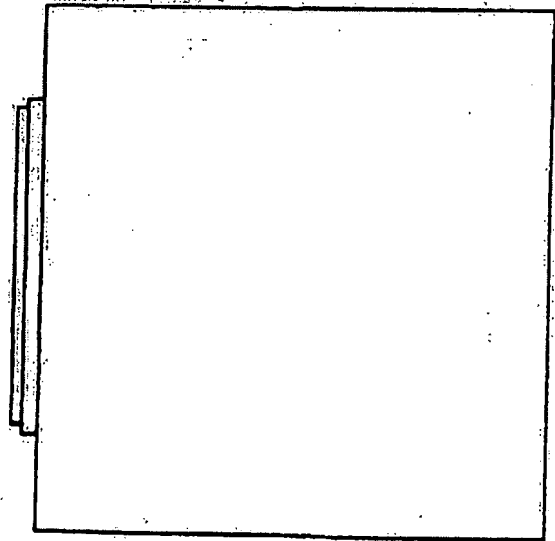
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Fig. 26



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Fig. 25



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